

 ORIGINAL

FILED

MAY 17 2011

CLERK
United States Bankruptcy Court
San Jose, California

Booker T. Wade Jr.
1010 Corporation Way
Palo Alto, CA 94303
415 378 6250 voice
650 965 4014 fax
bookertwade@hotmail.com

In Propria Persona

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In Re:)	
)	Bk. No. 09-58098 ASW
)	Chapter 11
TV-32 DIGITAL VENTURES, INC.,)	
a California Corporation,)	APPELLANT BOOKER T. WADE JR.'s
)	DESIGNATION OF RECORD AND
Debtor)	HEARING TRANSCRIPTS AND
)	STATEMENT OF ISSUES ON APPEAL

On Appeal To The

United States Bankruptcy Appellate Panel of the Ninth Circuit

TO THE CLERK OF THE COURT:

Appellant Booker T. Wade Jr., having filed a Notice of Appeal on May 2, 2011, from an order of the Court, dated April 18, 2011, which granted Sterling Savings Bank relief from the automatic stay, hereby submits this designation of record and transcripts and statement of issues on appeal to the United States Bankruptcy Appellate Panel for the Ninth Circuit.

I. STATEMENT OF ISSUES

- A. Did the Bankruptcy Court err in granting Sterling Savings Bank relief from the automatic stay -
- (1) by among other things implicitly and explicitly accepting the representation of the U.S. Small Business Administration that the agency would not vote to support Debtor's proposed Third Amended Reorganization Plan as a basis to find the reorganization plan infeasible?
 - (2) by among other things failing to make a ruling prior to granting relief from the automatic stay as to the applicability of 11 U.S.C. 1126(a) .
- B. Did the Bankruptcy Court err in denying Appellant the opportunity to invoke Bankruptcy Rule 2004 examinations and production of documents?

1 II. DESIGNATION OF CONTENTS OF RECORD

2 Appellant hereby designates the following items, pleadings and transcripts from the docket of
3 the Bankruptcy Court Case No 09-58098 to be included in the record on appeal and request that the
4 clerk of the court prepare and transmit the Certificate of Record on appeal to the United States
5 Bankruptcy Appellate Panel for the Ninth Circuit, pursuant to Federal Rules of Bankruptcy
6 Procedure 8006. The designation are shown below:

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8 May 17, 2011

A handwritten signature in black ink, appearing to read "Ben J. [unclear]", is written over a horizontal line.

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DATE	DOCKET	DESCRIPTION
5/17/2011		Hearing Transcripts of - (1) Sterling Bank's Objection to Proof of Claim of Minority Television Project Inc. (2) Motion To Limit Appearance of Small Business Administration (3) Ex Parte Motion Reconsideration of Orders for Pursuant to Rule 2004
5/17/ 2011	155	Brief in Opposition to Booker Wade's Ex Parte Motion for Reconsideration for Orders Pursuant to Rule 2004 filed by Sterling Saving Bank
5/10/2011	156	Ex Parte Motion for Reconsideration for Orders Pursuant to Rule 2004 Authorizing and Directing the Production of Documents and Examinations
May 5, 2011	149	[Proposed] Orders Denying Applications for Orders Directing Examinations of Sterling Savings Bank and Capital Access Group Inc. and For Production of Documents Pursuant to Bankruptcy Rule 2004
May 4, 2011	147	Applications for Orders Directing Examinations of U.S. Small Business Administration For Production of Documents Pursuant to Bankruptcy Rule 2004
May 5, 2011		Applications for Orders Directing Examinations of Sterling Savings Bank and Capital Access Group Inc. and For Production of Documents Pursuant to Bankruptcy Rule 2004
April 18 2011	130	Order Granting Sterling Savings Bank's Motion for Relief from the Automatic Stay Hearing Continued (RE: related document(s) 35 Motion to Appoint Trustee Filed by Creditor Arlene Stevens,
12/7/2010	102	Objection to Debtor's Third Amended Disclosure Statement Filed by Creditor Sterling Savings Bank
4/ 1/2011		Hearing Transcript of Order Granting Sterling Savings Bank Motion for Relief from the automatic Stay
11/9/2010	98	Third Amended Chapter 11 Plan , Third Amended Disclosure Statement Filed by Debtor TV-32 Digital Ventures Inc.
10/8/2010	95	Order Temporarily Granting in part, Denying in part Motion for Relief From Stay (Related Doc # 72) (Entered: 10/08/2010)
12/14/2010		Hearing Transcript Reciting U.S. Small Business Administration Non-Support of Third Amended Reorganization Plan
3/1/2010	117	Motion for Relief from Stay Filed by Creditor Sterling Savings Bank (Attachments: # 1 RS Cover Sheet # 2 Request for Judicial Notice# 3 Declaration of Lori Crechriou (with Exhibits A and B)# 4 Exhibit Exhibit C to Declaration of Lori Crechriou# 5 Exhibit D to Declaration of Lori Crechriou)

12/23/2010	106	Pre-Hearing Statement (<i>SBA</i>) (RE: related document(s) Filed by Creditor Sterling Savings Bank)
12/30/2010	108	Status Conference Statement of Booker T. Wade in Response to that of SBA
7/30/2010	72	Motion for Relief from Stay Filed by Creditor Sterling Savings Bank
11/09/2010	98	Third Amended Chapter 11 Plan , Third Amended Disclosure Statement Filed by Debtor TV-32 Digital Ventures Inc.
12/07/2010	102	Objection to Debtor's Third Amended Disclosure Statement Filed by Creditor Sterling Savings Bank
12/23/2010	106	Pre-Hearing Statement (<i>SBA</i>) (RE: related document(s) 102 Objection to Debtor's Third Amended Disclosure Statement (w/proof of service))
8/13/2010	78	Brief/Memorandum in Opposition to Sterling Savings Bank's Motion for Relief from Automatic Stay Filed by Debtor TV-32 Digital Inc.
8/13/2010	121	Brief/Memorandum in Opposition to Sterling Savings Bank's Motion for Relief from Automatic Stay Filed by Debtor TV-32 Digital Ventures Inc.
3/10/2011	117	Motion for Relief from Stay and Memorandum of Points and Authorities In Support Filed by Creditor Sterling Savings Bank (Attachments: Declaration of Lori Crechriou with Exhibits A and B)# 4 Exhibit C to Declaration of Lori
3/4/2011	116	Response to <i>SBA's</i> "Pre-Hearing Statement" and Supporting Declaration of Booker Wade
3/2/2011	114	Pre-Hearing Statement (RE: related document(s) 98 Amended Chapter 11Plan, Amended Disclosure Statement). Filed by Attorney US Attorney's Office
3/9/2011		Hearing Held (related document(s): 98 Amended Chapter 11 Plan) Off Calendar.
3/9/2011		Hearing Continued 35 Motion to Appoint Trustee) Hearing scheduled for 05/13/2011
12/23/09	35	Motion to Appoint Trustee Filed by Creditor Arlene Stevens (Attachments: # 1 Memorandum of Points and Authorities # 2 Declaration #

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12/30/2010	12/30/2010	Status Conference Statement of Booker T. Wade in Response to that of SBA
3/4/2011	116	Response to SBA's "Pre-Hearing Statement" and Supporting Declaration of Booker Wade Filed by Booker T. Wade
3/9/2011		Transcript of Hearing Held 98 Amended Chapter 11 Plan
3/10/2011	3/10/2011	Motion for Relief from Stay and Memorandum of Points and Authorities in Support of Same Filed by Creditor Sterling Savings Bank (Attachments: # 1 RS Cover Sheet # 2 Declaration of Lori Crechriou Part 1 of 5# 3 Declaration of Lori Crechriou (Part 2 of 5)# 4 Declaration of Lori Crechriou (Part 3 of 5)# 5 Declaration of Lori Crechriou (Part 4 of 5)# 6 Declaration of Lori Crechriou (Part 5 of 5)
3/24/2011	122	Motion to Strike or Otherwise Limit Appearance of Small Business Administration Filed by Responsible Ind Booker T. Wade
3/25/2011	121	Brief/Memorandum in Opposition to <i>Sterling's Stay Relief Motion</i> (RE: related document(s) 117 Motion for Relief From Stay). Filed by Debtor TV-32 Digital Ventures Inc. (Shier, Matthew) (Entered: 03/25/2011)
3/30/2011	123	Brief/Memorandum in Opposition to (RE: related document(s) 117 Motion for Relief From Stay). Filed by Responsible Ind Booker T. Wade
4/01/2011		Hearing Held (related document(s): 117 Motion for Relief From Stay) Motion for relief from stay is granted effective 45 days from April 1, 2011. Sterling Savings Bank will temporarily agree to forgo the efforts to levy on funds belonging to Arlene Stevens. However, Sterling Savings Bank reserves its rights to defend its claims to the funds in the event that any party in any manner threatens to challenge or interfere with Sterling Savings Bank's rights to levy on those funds. In the event that Sterling Savings Bank is allowed to conduct trustee's sale in 60 days, on May 31,2011, and thereafter confirms that no deficiency results, Sterling Savings Bank agrees to permanently release its claims to the funds belonging toArlene Stevens. If, however, for reasons attributable to others, Sterling Savings Bank is precluded from conducting its trustee's sale on May 31,2011, Sterling Savings Bank reserves its rights to immediate proceed withal efforts to levy upon the funds belonging to Arlene Stevens, and Sterling Savings Bank acknowledges the 14-day stay is not waived. Adequate Protection Order previously entered is prospectively annulled.Mr. Joe is to provide a copy of the file, excluding the deliberative and privileged documents, to Mr. Shier, Mr. Wade and his client, along with the privileged log. Mr. Wade may share the copy of the file with Ms.Stevens.
4/11/2011	124	Objection to Claim No. 7 filed by <i>Minority Television Project, Inc./KMTP-TV and Memorandum of Points and Authorities in Support of Same</i> Filed by Creditor Sterling Savings Bank. (Attachments: # 1 Exhibit Request for Judicial Notice)(Stevenson, Rachel) (Entered: 04/11/2011)

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4/11/2011	126	Brief/Memorandum in Opposition to Motion to Strike or Limit Appearance of SBA Filed by Attorney US Attorney's Office (Joe, Edwin)
4/11/2011	127	Declaration of Edwin Joe in Opposition of Motion to Strike or Limit Appearance of SBA
4/18/2011	130	Order Granting Motion for Relief From Stay
4/19/2011	131	Brief/Memorandum in Opposition to Motion Filed by Responsible Ind Booker T. Wade
4/29/2011	136	Motion to Limit Appearance of Small Business Administration Filed by Booker T. Wade
5/03/2011	141	Motion for Order Directing 2004 Examination of Capital Access Group Inc. Filed by Responsible Ind Booker T. Wade
5/3/2011	142	Motion for Order Directing 2004 Examination of Sterling Savings Bank. Filed by Booker T. Wade
5/4/2011	147	Application for Order Directing 2004 Examination of Small Business Administration. Filed by Booker T. Wade
5/5/2011	149	Order Not Signed Regarding Motion for 2004 Examination
5/5/2011	150	Order Not Signed Regarding Motion for 2004 Examination

5/10/2011	146	Motion to Reconsider (RE: related document(s) 149 Order on Motion for Examination, 150 Order on Motion for Examination) . Filed by Responsible Ind Booker T. Wade (Entered: 05/11/2011)
5/11/2011	155	Brief/Memorandum in Opposition to Booker Wade's Ex Parte Motion for Reconsideration for Orders Pursuant to Rule 2004 Filed by Creditor Sterling Savings Bank (Stevenson, Rachel)
5/11/2011	157	Brief/Memorandum in Opposition to Motion to (Strike or) Limit Appearance of SBA Filed by Attorney US Attorney's Office (Joe, Edwin)
5/11/2011	158	Declaration of Xong Vang in Opposition of Motion to Limit Appearance of SBA Filed by Attorney US Attorney's Office
5/11/2011	159	Declaration of James Hammersley in <i>Opposition of Motion to Limit Appearance of SBA</i> Filed by Attorney US Attorney's Office (Attachments: # 1 Exhibit Debenture Offering Circular# 2 Exhibit (B) %04 Loan & Debenture
5/11/2011	160	Declaration of David Simmons in Opposition of Motion to Limit Appearance of SBA Filed by Attorney US Attorney's Office (Attachments: # 1 Exhibit(A) Note# 2 Exhibit (B) Closing Letter with Note Terms# 3 Exhibit (C) Deed of Trust# 4 Exhibit (D) Assignment of Deed of Trust# 5 Exhibit (E)Title Policy# 6 Exhibit (F) Payment Information# 7 Exhibit (G) Authorization for 504 Debenture Guarantee (504 Loan)# 8 Exhibit (H) Debenture Repurchase Date)
5/12/2011	162	Declaration of David Simmons in Opposition of Motion to Limit Appearance (Refiled to Include Omitted Signature Page - Exhibits not included, See Docket #160 for Full Exhibits) Filed by Attorney US Attorney's
5/16/2011		Reply to SBA Opposition to Motion to Limit Appearance of Small Business Administration
5/17/2011		Ex Parte Motion to Extend Time to File Designation of Record
5/17/2011		Addendum to Reply to SBA Opposition to Motion to Limit Appearance of Small Business Administration
5/17/2010		Declarations of Booker Wade and Mark Muntean

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2 **Proof of Service by Mail**

3 I, Melvina Jones, am employed in the County of Santa Clara, State of California. I am over the age of
4 eighteen years and not a party to this action. My business address is 1010 Corporation Way, Palo Alto, CA.
5 On May 10, 2011, I deposited in the U S Mail first class postage prepaid, a copy of the document entitled

6 **APPELLANT BOOKER T. WADE JR.'S DESIGNATION OF RECORD
AND TRANSCRIPTS AND STATEMENT OF ISSUES ON APPEAL**

7 and addressed to the persons shown below.

8 Matthew Shier, Esq.
9 Pinnacle Law Group
425 California Street Suite 1800
10 San Francisco, CA 94104

Arlene Stevens
P O Box 51310
Palo Alto, CA 94303

11 John Wesolowski Esq.
Office of the U.S. Trustee/SJ U.S. Trustee
12 U.S. Federal Building
280 S. 1st Street, #268
13 San Jose, CA 95113-3004

Brian Healy Esq.
Tierney, Watson & Healy
595 Market Street Suite 2360
San Francisco, CA 94103

14 **ABBEY, WEITZENBERG, WARREN & EMERY, P.C.**

15 Rachel K. Stevenson Esq.
100 Stony Point Road, Ste. 200
16 Post Office Box 1566
Santa Rosa, California 95402-1566

17 Edwin L. Joe Esq.
18 Special Assistant U.S. Attorney
U.S. Small Business Administration
19 455 Market Street Suite 600
20 San Francisco, CA 94105-2420

21 I declare under penalty of perjury under Federal law and laws of the State of California that the foregoing is
22 true and correct.

23 Executed on May __, 2011, at Palo Alto, California.

24 Melvina Jones
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